

**REMARKS**

Applicants thank the Examiner for the opportunity to informally discuss claim amendments with him, during an Interview held on July 27, 2001, and for his helpful suggestions.

Following the Interview, applicants have now formally amended the claims and offer the following remarks.

**Section 102 Rejections**

Claims 1, 2, 12-14, 21 and 26 have been rejected as being anticipated by Cato. In response, applicants have amended claims 1, 12, 13 and 26.

Amended claim 1 has been reviewed and discussed with the Examiner during the Interview. In the Interview Summary, the Examiner indicated that the limitation of "an optical disk having pits and projections indicating data signals readable by light radiation" would successfully differentiate proposed claim 1 from Cato.

Applicants note that claim 1, as formally amended, differs from proposed claim 1 reviewed by the Examiner. Amended claim 1 now recites the following limitation: "an optical disk having pits indicating data signals readable by light radiation". Applicants have deleted the term "and projections" from claim 1.

The reason for deleting "and projections" from the claim is due to lack of basis in the specification for this expression. Applicants apologize for originally submitting the claims with the expression of "pits and projections". When the claims were first submitted, applicants believed that the expression "pits and projections" was included in the specification. Upon preparation of these remarks,

applicants could not find “pits and projections” in the specification. For example, column 11, lines 2-3, refers to “the presence and absence of pits”. Similarly, column 15, lines 12-13, refers to “the pits on the top and bottom”. Applicants could not find an expression of “pits and projections” in the specification.

Applicants respectfully submit that, as formally amended, claim 1 is, nevertheless, distinguished from Cato. Figs. 1 and 2 of Cato teach a holographic scanner having a rotating glass disk (10) carrying position-indicating holograms (Figs. 38A-38C). Cato does not teach an optical disk having pits indicating data signals readable by light radiation.

Although not the same, claims, 12, 13 and 26 have been amended to include features similar to amended claim 1. Favorable consideration, similar to claim 1, is requested for these claims.

### **Section 102 Rejections**

Claims 28 and 29 have been rejected as being anticipated by Ikeda. In response, Applicants have amended claims 28 and 29. With exception of the term “and projections” having been removed (as explained above), the Examiner has indicated in the Interview Summary that the limitation of “trimming the reflective layer to form a barcode pattern” in proposed amended claim 29, and the limitation of “portions of the reflective layer being trimmed forming low-reflective markings” in proposed amended claim 28, would require further searching and consideration.

Amended claim 29 now clearly recites the following steps:

-- forming an embossed data zone, having pits indicating data signals readable by light radiation;

- forming a reflective layer on top of the embossed data zone; and
- trimming the reflective layer to form a barcode pattern.

Basis for "trimming" the reflective layer may be found, for example, in the specification at column 7, lines 4-7.

Ikeda, cited by the Examiner, teaches in Fig. 1, forming marks on disk 1. The marks contain pits (Fig. 2) indicating data signals. As understood, in Ikeda a reflective film is formed on top of the pits (mark), so that the pits are readable by an optical detector. Ikeda does not trim the reflective layer to form a mark. Rather, Ikeda first forms the pits (mark) and then forms a reflective layer on top of the pits (mark).

Although not the same, claim 28 has been amended to contain features similar to claim 29.

#### **Substitute Declaration and Certification**

An unsigned Declaration, including (1) identification of an error to support the Reissue and (2) a priority claim, is enclosed.

An unsigned substitute certificate under 37 C.F.R. 3.73(b) is also enclosed.

Signed versions of the enclosed Declaration and Certificate will be hand carried to the Examiner as soon as possible.

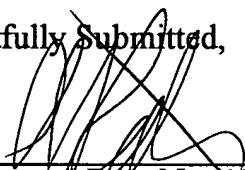
**Drawings**

A copy of the drawings is included as requested by the Examiner.

**Information Disclosure Statement (IDS)**

Applicants have enclosed an Information Disclosure Statement and a Supplemental Information Disclosure Statement and request the Examiner to acknowledge both IDS's.

Respectfully Submitted,

  
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Enclosure: Version With Markings Showing Changes Made

Substitute Declaration (unsigned)

Substitute Certification (unsigned)

Drawings

Information Disclosure Statement

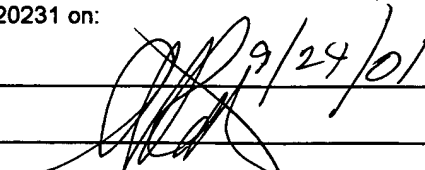
Supplemental Information Disclosure Statement

Dated: September 24, 2001

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The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1           1. (Amended) A marking forming apparatus comprising:  
2           an optical disk having pits indicating data signals readable by light  
3 radiation;  
4           at least one reflective film formed on the pits;  
5           marking forming means for applying at least one marking to ~~at least one~~ the  
6 reflective film formed ~~to a~~ on the disk, the marking being a low-reflective  
7 marking;  
8           marking position detecting means for detecting at least one position of said  
9 marking; and  
10          position information output means for outputting said detected position as  
11 position information of said markings.

1           12. (Amended) A method of forming a laser marking to an optical disk,  
2 comprising the steps of:  
3           forming pits indicating data signals readable by light radiation on at least  
4 one disk;  
5           forming a reflective film to said formed disk;  
6           laminating two disks together, said disks including at least one disk with  
7 said reflective film formed thereon; and trimming the reflective film to form  
8 forming at least one marking by a laser on said reflective ~~layer~~ film of the  
9 laminated disks.

1           13. (Amended) A reproduction apparatus comprising:  
2           position information reading means for reading position information of at  
3 least one marking ~~or information concerning said position information~~, said  
4 marking being formed to at least one reflective film formed ~~to a~~ on an optical disk

5 and being detected for a position thereof, at least the position thus detected being  
6 output as said position information of said marking;

7 the optical disk having pits indicating data signals readable by light  
8 radiation, the reflective film formed on the pits, and the marking formed on the  
9 reflective film being a low-reflective marking;

10 marking reading means for reading information concerning at least one  
11 actual position of said marking;

12 comparing/judging means for performing comparison and judgment by  
13 using a result of reading by said position information reading means and a result of  
14 reading by said marking reading means; and

15 reproducing means for reproducing recorded data on said optical disk in  
16 accordance with a result of the comparison and judgment performed by said  
17 comparing/judging means.

1 26. (Amended) An optical disk having a structure such that at least one  
2 reflective film is one of sandwiched directly and sandwiched indirectly between  
3 two members formed from material resistant to laser light,

4 the optical disk having pits indicating data signals readable by light  
5 radiation,

6 the reflective film formed on the pits, and

7 wherein at least one marking is formed by a laser to said reflective film, the  
8 marking being a low reflective marking.

1 28. (Amended) An optical disk comprising:

2 an embossed data zone having pits ~~and projections~~ indicating data signals  
3 readable by light ~~ir~~ radiation; and

4 a reflective layer formed on top of the embossed data zone; and

5        portions of the reflective layer being trimmed forming low-reflective  
6 markings.

7        wherein the low-reflective markings form a barcode pattern indicating  
8 ~~information formed on said embossed data zone.~~

1        29. (Amended) A method for manufacturing an optical disk, comprising  
2 the steps of:

3        forming, on a substrate, an embossed data zone having pits ~~and projections~~  
4 indicating data signals readable by light irradiation; ~~and~~

5        forming a reflective layer on top of the embossed data zone; and

6        trimming the reflective layer to form[ing] a barcode pattern indicating  
7 information on said embossed data zone.

1        Claims 30 to 35 have been newly added.